

SENATE—Friday, May 14, 1999

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, give us the patience that frees us to work with joy and peace. We affirm John Adams' words: "Patience, Patience, Patience! The first, and last, and the middle virtue of a politician." We agree, but we need Your spirit to develop patience within us. Many of us want everything yesterday. Some of us are distressed by people who are quick to speak and slow to change. Others of us chafe under the laborious process of progress. Still others are really impatient with themselves.

Today, remind us that this life is but a small part of eternity. Give us an acute sense of the shortness of time and the length of eternity. Reorder our priorities and help us to live with a relaxed trust in You. Since there is no panic in Heaven, replace our panic over little things with the peace of Your power to deal with the big things that truly matter. Today, guide the Senate to come to an agreement on legislation for gun control that is best for our Nation. Through our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator, the chairman of the Judiciary Committee, is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume consideration of the juvenile justice legislation. There will be two back-to-back votes at approximately 9:40 a.m. The first will be on or in relation to the Hatch-Craig amendment, with a second vote on or in relation to the Schumer Internet firearms amendment immediately following. Additional amendments are anticipated, and therefore further votes are expected throughout today's session of the Senate. The cooperation of Senators is appreciated as the bill's managers work to finish this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Also, under the previous order, the Senate will now resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Hatch/Craig amendment No. 344, to provide for effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows.

Schumer amendment No. 350, to amend title 18, United States Code, to regulate the transfer of firearms over the Internet.

AMENDMENT NO. 344

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate on the Hatch-Craig amendment No. 344, the time to be equally divided in the usual form.

Who yields time?

Mr. HATCH. Mr. President, the Hatch-Craig amendment is an amendment that corrects a number of problems in this particular bill that people have complained about that we believe need to be corrected, but we also do a number of other things as well. We have more aggressive prosecution of violent minors who are going to continue to do violence unless we pass the accountability and the prevention efforts in this bill. It has enhanced penalties for the use of firearms, something that we need. It is probably the only thing that is going to make a real difference with regard to firearms. That is important. The amendment has increased maximum penalties for the use of firearms, and that is important as well. It has expanded protection for children.

For instance, we have the juvenile Brady bill within the underlying bill, but we are passing it again so everybody will know that all of this complaining by those who have tried to defeat this bill is just political posturing. The fact is we are going to prevent any juvenile who has used a gun in the commission of a crime from ever having a gun henceforth. That is the juvenile Brady bill.

Last, but not least, we are expanding the background checks. A couple of days ago Senator CRAIG tried to do a voluntary background check with incentives, which was a step forward in resolving this issue. However, the

Democrats wanted a very bureaucratic, very Government-oriented bill to do these background checks. The Hatch-Craig amendment provides for mandatory background checks and provides for more background checks than the Democratic alternative. We have a more stringent amendment than what the Democrats came up with, and we have offered this amendment in order to try to resolve the animosities and the problems that have existed on this gun show issue.

Last, but not least, I may get a little uptight with people who try to make the whole juvenile justice issue an issue about guns. Guns may be a part of it, and there is no question they are, and we are doing the things that are right with regard to guns. However, anyone who tries to reduce all of these juvenile justice problems in our society to guns is not only exaggerating but they are misreading the American people. The people realize that juvenile justice encompasses a lot more than just gun issues.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Unfortunately, much of this has become about guns. As the distinguished chairman knows, one of the things in this amendment is a section that dismisses pending State and Federal lawsuits, overrides all the State legislatures, all the State courts, just dismisses them on behalf of gun sellers and manufacturers.

I yield 1 minute to the distinguished Senator from New York and the remaining time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Vermont.

This proposal is as riddled with loopholes as the previous Craig proposal. No. 1, you can buy guns at gun shows without any background check through the new provision of special licensees. No. 2, criminals can buy guns at pawnshops without any background check—a step backward. No. 3, there is still immunity in lawsuits. But most importantly, anyone who thinks that we close the gun show loophole with this amendment is mistaken, because special licensees neither have to make a background check nor file any reports.

Please do not think that we are closing the gun show loophole with this amendment. I urge my colleagues in strong terms to oppose it. We should pass the Lautenberg amendment. That

does close the gun show loophole. You cannot have it both ways. You cannot say you are closing it and leave a huge, wide open loophole. This is a Swiss cheese amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I oppose the Hatch-Craig loophole amendment. I am calling it that deliberately. Unfortunately, this amendment goes exactly in the wrong direction. Instead of closing the gun show loophole, it creates several new loopholes that will help criminals get even more guns.

We look here on this chart at a licensed dealer: Background check? Voluntarily. Special license: They don't even have to ask whether or not there is any evidence that this individual shouldn't have any permit for a gun.

The first choice was my amendment to really close the gun show loopholes, and that is what the public wants. We see it all the time. We heard it all over TV, and last night on a show called "Extra," they showed how penetrable the rules are in a gun show where a 15-year-old and 17-year-old were able to buy guns under the table. I hope they will respond here today to the American people, 87 percent of whom said close the gun show loopholes. I hope we will do that and have the courage to stand up to the NRA.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 2 minutes and also if the other side needs an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. For both sides?

Mr. HATCH. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, that just plain is not true. The language does correct those loopholes he is talking about, but just to guarantee it, I send a modification to the desk that certainly clarifies and corrects those loopholes.

Mr. SCHUMER. Reserving the right to object.

Mr. HATCH. Do we want to get this done or don't we?

Mr. LEAHY. Let's let the Senate run this and not the gun lobbies run this Senate Chamber.

Mr. HATCH. This is not the gun lobby, this is Senator HATCH sending a modification to the desk.

Mr. SCHUMER. I object.

Mr. HATCH. You object to doing what is right here?

Mr. SCHUMER. I object until I have a chance to read it.

Mr. HATCH. You object to closing the so-called loophole?

Mr. SCHUMER. The Senator—

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I withdraw it. It is amazing to me—

Mr. LAUTENBERG. We object.

Mr. LEAHY. No one has seen it.

Mr. SCHUMER. I ask unanimous consent—

The PRESIDING OFFICER. The Senator from Utah has the floor at this point. Does the Senator yield?

Mr. SCHUMER. I do not.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. There will be 2 minutes on the other side.

Mr. LEAHY. I ask unanimous consent that the Senator from Utah be given time to read what his modification is, and whatever time that takes, this side be given equal time. Does that help the chairman?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Let me tell you, I am so tired of this unnecessary argument. I want a juvenile justice bill. I have insisted on making these changes so we can get rid of these political arguments made on the other side, and I am tired of it.

What we are trying to do this morning is make it absolutely clear—even though we think it is clear in the bill as it is—with this modification. I hate to say this, but I really believe there is an effort by some in this body to never have a juvenile justice bill. I am going to do everything in my power to get it.

Under current law, anyone who engages in the business of selling firearms at a gun show must have a license. The loophole of current law lets gunsmiths and other individuals go to gun shows as nonlicensed individuals to sell guns with no instant check. That is current law. We are trying to solve that. Others are trying to exploit this issue, and I think very unfairly so.

As long as the gunsmiths do not sell so many firearms as to be engaged in the business of firearms dealing, they are not classified as firearms dealers. Thus, they can sell a limited number of firearms at a gun show without a license. This is also a loophole in existing law.

The Craig amendment which the Senate adopted on Wednesday provided that the gunsmiths who wanted to engage in the business of selling firearms, but just at gun shows, could do so, but have to be licensed to do so—a step in the right direction. It was not enough, apparently, and so we have been willing to change that.

The Craig amendment provided for a special license that would last for only 3 days. By becoming, in effect, a temporary dealer, the gunsmith was subject to all the provisions of the Gun Control Act to which dealers are subject, including the recordkeeping requirements, the requirement to be subject to inspection by Federal officials,

and the requirement to perform background checks—a step in the right direction.

While the Craig amendment exempted special registrants who only conducted background checks and did not engage in the business of selling firearms from the dealer recordkeeping requirements, it expressly provided that the special licensee would be subject to the recordkeeping requirements of the Gun Control Act.

The Hatch-Craig amendment, which we are going to vote on in a few minutes, which we offered yesterday, simply changed the voluntary background check for individual sellers at gun shows to a mandatory background check. It did not affect the special licensing requirements. Thus, after the Hatch-Craig amendment, an individual who desires to obtain a firearm at a gun show must submit to a background check whether he purchases the firearm from a regular dealer, a special licensee, or another individual.

It is my desire to ensure that any gun sale that takes place at any gun show has a background check. That is what we are doing here, and we are doing it because of the complaining on both sides of the aisle, and I have insisted on it.

My colleague, Senator CRAIG, and I now agree on this. I believe the current language clearly, clearly accomplishes this, without this modification I have sent to the desk. However, if my colleagues want to make the language to the special licensee even more express, that is why I expressed a desire to work with them. I am glad to work with them. I sent a modification to the desk to make it absolutely superabundantly clear. Since we have the same goals here, there is no reason to play politics on this issue. Let's get the job done.

Last but not least, we have asked the Justice Department and others to cooperate with us and help to know what they want here. Not one word in 2 years, other than political criticism. The President bad-mouthed this all day yesterday for political purposes, and I am tired of that because I am one of those who is insisting on making these changes. I am one of those who wants to accommodate my colleagues on the other side. If they have any substantive problems, bring them to us, but their amendment certainly does not do as much as ours does. I cannot solve every problem here, but this I think we can solve.

The modification basically says:

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsection (m) the following: In subsection (m), amend paragraph 1 by adding the new subparagraph as follows: Subparagraph (f), except as provided in subparagraph (d) a special licensee shall—

Not may, shall—

be subject to all the provisions of this chapter applicable to dealers, including, but not

limited to, the performance of an instant background check.

I do not think that is necessary, but my colleagues do, and I want to accommodate my colleagues on the other side. I cannot accommodate—

Mr. LAUTENBERG. Mr. President, what was the unanimous-consent agreement?

Mr. HATCH. Sufficient time to explain this amendment.

Mr. LEAHY. We will get equal time.

Mr. HATCH. They have equal time.

The PRESIDING OFFICER. The Senator from Utah has used 4 minutes.

Mr. HATCH. Right. Our colleagues have been complaining here for 2 days. We are doing what I think they and others on our side would like to have done. And the National Rifle Association has not had a thing to do with it. I don't care whether they accept it or don't accept it. These things are done by us. Frankly, to try to make them the terrible organization that some on the other side try to do bothers me. They represent millions of decent, law-abiding, honest sports people.

I think it is time to start talking about these things in earnest with clarity and with decency. I think, more important, this is not all about guns. Guns are a part of the juvenile justice bill, but it is not all about guns. There are so many other things this bill does that will help us in this society to resolve the problems of violent juveniles that it is a crying shame we have had to play around with this bill over the last number of days like we have. I have tried to move these amendments forward and will continue to do so, but there is only so much time this bill can be given.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to yield.

Mr. LEAHY. Let's stay somewhat within the unanimous consent agreement.

Mr. MCCAIN. Isn't it true that it has been brought to the attention of all that there is a loophole that needs to be closed and this is a good-faith effort to do that?

Mr. HATCH. This is a good-faith effort to accommodate our colleagues on the other side who I believe have raised legitimate objections. They have tried to make it look like our side is in frantic shape about doing it. I just want to get it done.

Mr. MCCAIN. Isn't it also true—

Mr. LEAHY. Regular order.

Mr. MCCAIN. I ask unanimous consent that I be allowed 3 minutes to question the Senator from Utah.

Mr. LEAHY addressed the Chair.

Mr. MCCAIN. Do you object or not object?

Mr. LEAHY. Mr. President, let the Senator from Arizona—

Mr. MCCAIN. I repeat my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I will not object if, following the earlier unanimous consent agreement to accommodate the Senator from Utah—

Mr. HATCH. He did.

Mr. LEAHY. At which time the Senator from Arizona was not on the floor and does not realize that we have equal time over here.

Mr. HATCH. He did.

Mr. MCCAIN. I withdraw my unanimous consent.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Let me just end with this. I believe my colleagues are sincere on the other side. I know the distinguished ranking member on the Judiciary Committee has been working diligently with me to get this bill passed. I compliment him and I honor him for that.

I believe the distinguished Senator from New Jersey is doing his best to try to make sure that loopholes are closed. I appreciate that. I have tried to accommodate him. I did not like his amendment because I thought it was too bureaucratic and too heavyhanded. On the other hand, he was sincere in presenting it. If he had not presented it, we probably would not be here today trying to accommodate him.

With regard to my friend from New York, there are very few people in this body who understand this issue any better than he does. And I respect him.

But I am serving notice, I am getting tired of the spurious arguments that have been made by some against what we are trying to do. And I am a little impatient because I think they are trying to artificially paint this gun show amendment like a National Rifle Association amendment. I can tell you right now, I did not talk to the National Rifle Association about this amendment; and I had a lot to do with changing the previous voluntary background check to a mandatory background check for sales at gun shows. And to his credit, Senator CRAIG has cooperated every step of the way.

Now, this mandatory gun show check is to accommodate our colleagues. This is to solve this gun show problem. We cannot solve every problem in this bill, but we are certainly trying to solve as many as we can. And this is a very small part of this total juvenile justice bill that we need to pass. We will never get it passed unless we get some cooperation from both sides of the aisle. I am asking for that.

We have been debating this juvenile justice bill for 3 days. This is a bill that should have been passed in 1 day. Every one of us should have been very, very happy to get this bill passed. Most everybody on this floor knows that this bill is a very, very well-thought-out bill. It is bipartisan, and it is time for us to get it passed. But we have to quit playing political games around here. Let's start worrying about the young

people in this society, the families and our society as a whole.

That is all I need to say about it. I apologize if I have offended any of my colleagues on the other side, but I am tired of having arguments made that are not constructive when I am trying to meet the needs of the very people who have made these arguments.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair at this point will—

Mr. HATCH. Could I yield—

Mr. CRAIG. Very briefly, as a cosponsor of the bill, half a minute?

Mr. HATCH. I ask unanimous consent that he be given a half a minute.

Mr. LEAHY. And that be added to the time over here.

Mr. CRAIG. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. The Senator from New York has pointed out consistently through the bill where there might be corrections or where in some instances there were deletions that were not intended. Last night he expressed there was a loophole.

I pointed out in the law that we had placed this new category directly into the law to comply with all of the law which included background checks. They were apprehensive. We went back and reviewed it and confirmed with many attorneys exactly what we believe to be true.

But this morning, in good faith, we have offered this. You can accept it or reject it at your will. But it is very clear what we intend. I think the chairman of the Judiciary Committee has made that intention clear: Temporary licensees, for the purpose of convenience and also security at gun shows, will do background checks.

Thank you.

The PRESIDING OFFICER. The Chair will now explain the parliamentary situation based on the unanimous consent.

Based on the previous unanimous consent, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds. That is arrived at by the 2 minutes the Senator from Vermont had previously from a previous unanimous consent, plus the 10 minutes 53 seconds the Senator from Utah consumed in explaining his position.

So to restate, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think the modification I have sent to the desk does close the loophole in a way that hopefully will please my colleagues on the other side. I hope they will grant unanimous consent to do that. If they do not grant

unanimous consent, then I will try to do that by amendment later, which we will have to vote on, I suppose.

But all I am trying to do is to accommodate them. I sometimes wonder if unfair political advantage isn't what is being sought here, instead of a bill. Everybody ought to be happy to have this additional language. The Hatch-Craig amendment closes the gun show background check loophole. This additional language makes it even more express than the bill makes it express at this time.

I hope my colleagues will permit the unanimous consent request to modify the amendment. To the degree we can work on other problems that they are concerned about, we will be happy to try to do that during the course of the debate on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first, I commend the distinguished Presiding Officer for his usual fairness, something I have expressed before. I say to my good friend from Utah that nobody would ever accuse you of being uptight. I don't know where you ever got that idea. The Senator from Utah and I have worked very closely on this and will continue to do so.

But on this particular amendment, I do have some grave concerns. When it was first brought up, I said on this floor that there were serious problems with it, as did the Senator from New York. The proponents basically told us we didn't know what we were talking about, and it was rammed through on basically a party-line vote.

The next day they came back and said: Oh, by the way, you were right. We're really sorry about that. We want to do it over again.

Well, in my religion we believe in redemption, and I assume that is at least partial redemption. But it shows what can happen if they could get away with it. It was going to go through, but it was discovered. The objections that the Senators from New York and New Jersey and I raised were heard, and so they came back.

Now, at the eleventh hour, the last minute, they come out with another amendment which still does not close loopholes and does nothing to stop what I have raised on this floor for several days now; and that is the question of doing away with State courts and Federal courts—basically a court-stripping bill.

The Senator from Utah is right when he says there should be bipartisan concern on juvenile justice. And I believe there is. But if he is worried about what is taking a lot of time—when we have all of these provisions, and when presented by Democrats they are all voted down on a party-line vote, and

then the next day they are brought up in a Republican amendment and now they are OK—maybe we would do it a little bit quicker if we would vote on them irrespective of which side brought them up and be able to vote on them only once.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

Mr. LEAHY. I yield 5 minutes to the distinguished Senator from New Jersey, and then 5 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

What we see here—and I apologize if we have exhausted the patience of the Senator from Utah, but we have been in this situation before where patience runs out. I heard the Senator from Utah, who is one of the most concerned people about children and family that I know. But he said: This isn't about guns; it is not all guns. I agree. It is about life. It is about saving people's lives. But we do not focus on that. The argument against the Lautenberg amendment, as originally presented, was: It is bureaucratic and we ought to do more law enforcement.

If we are going to do more law enforcement, I assume that means bigger government, I assume that means spending more money for the Bureau of Alcohol, Tobacco and Firearms personnel. Unfortunately, what we see is this persistent backpedaling, trying to make it up. Aha, the public caught us. They caught us with a mistake, with another error that protects those who want to avoid having background checks, so we had better fix it.

They worked like the devil to keep people from voting for the original Lautenberg amendment, which said: Close all the loopholes in the gun shows that permit people to buy guns without background checks.

I refer, just for 1 more minute, to the poll which says 87 percent of the people in the country say that all people who buy guns at the gun shows should have background checks.

Sixty percent of Americans blame the tragedy in Littleton in significant measure on the availability of guns. That is what we are talking about.

As mistakes were made in the presentation on the other side, nevertheless, before I leave the subject, six Republicans voted on the Lautenberg amendment positively, but now we see the errors creep in.

First, the statement was made that only 2 percent of the guns bought at gun shows were bought without background checks. Then there was a realization. The distinguished Senator from Idaho said, no, he was wrong. It was 40 percent. It is close—2 percent, 40

percent. How many guns is that? It is a lot when there are 4,000 gun shows a year.

Then we had another presentation yesterday that said we are closing the loopholes. Well, we have attempted to close one of the loopholes, but every time they get caught with an error or a decision not to close another loophole, they come back again, because it gets exposed on television. It gets exposed in the newspapers.

Last night, there was a program on ABC called "Extra," and they showed a film, a camera secreted in a hidden spot, of a 15-year-old girl and a 17-year-old boy buying guns. He said, I am 17; she said, I am 15. They were able to buy those guns.

Why can't we shut it down once and for all?

I have a letter here. The Senator from Utah said there was no response from the administration. It is addressed to Senator LOTT. It was sent by Secretary Rubin and Attorney General Reno. It says:

This amendment would seriously impede the effectiveness of the national instant criminal background check system. It would reduce from 3 business days to just 24 hours the period of time that law enforcement has to ensure that firearms sold at gun shows are not being sold to felons and other prohibited persons.

There is flaw after flaw, and the Senator from Utah said that is why we are here; we are fixing them.

We will never fix it that way. Anyone who knows Senate procedure knows that you fix the flaws in the committee or you fix the flaws in a private discussion on the floor. You don't suddenly throw up an amendment and say, I ask unanimous consent to modify my amendment. If you are caught with your hand in the cookie jar, then, by goodness, step back and say, OK, let's find out what we did wrong. Let's find out if we can agree on closing all the loopholes.

This may be an exhausting procedure, but it is more exhausting for those people who are threatened by the casual presence of guns all over. We don't need to add to that quantity by not requiring background checks. We close one loophole, but there are others. There is the pawnshop loophole. There is the one that says all records have to be destroyed after 24 hours. What kind of a database do we have that we can refer to?

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. LAUTENBERG. Mr. President, I hope we will defeat this and have a chance to reconsider this proposition.

The PRESIDING OFFICER. The Senator from New York is recognized for the balance of the time.

Mr. SCHUMER. I thank the Chair and thank the Senators from Vermont and New Jersey for their consideration and leadership on this issue.

Let me say, again, even with the new Hatch-Craig amendment, which I understand the Senator from Utah has offered in the best of faith, there are three and possibly four major problems.

No. 1, it does not close the pawnshop loophole. Felons will flock to pawnshops and get guns. Why are we taking a step backward less than a month after Littleton? Why are we telling criminals around the country, you can go to a pawnshop, get a gun, no questions asked? How can this body vote for that given what just happened in Littleton? What is the justification? What is the reason to allow pawn dealers to give guns to criminals, no questions asked? There is absolutely none.

All of America is scratching its head and saying, what is going on in this Chamber? Some say it is not the gun lobby. Well, I would like to know what it is that is making us do the most irrational, ridiculous things that make it easier for criminals to get guns after what we have seen happen.

No. 2, this modification puts a stranglehold on the Brady law. It sets a 24-hour time limit for gun show sale background checks, only 24 hours. Do you know what the FBI says they need? They say they need 3 days. That is what Federal licensed dealers get. When the FBI says give us 3 days, they get it. But not at a gun show. So if they can't find the records within 24 hours, the gun will go right to a criminal. What kind of loophole is that? Why do we need it? Again, if it is not the gun lobby that is pushing us to do this, then who is it?

Finally—this is not even about the modification that was mentioned—the bill undermines the law by weakening prohibitions on interstate sales. Dealers would now be able to go to gun shows outside their States and sell firearms directly to residents of other States, even though they may not know the firearms law of that State. Why is that? Why are we allowing gun dealers who have been previously limited to their own State on the grounds that they know the laws of the State, that they know the people of the State, to go across the Nation to sell their guns? If it is not the gun lobby, my colleagues, then what is it?

So even with the modification that the Senator from Utah has so graciously offered—and I will get to that in a minute—you have pawnshops being able to sell guns to criminals with impunity. You have no kinds of checks when the FBI says it might be a criminal, give us the time, the 72 hours. And you allow gun dealers to go from one end of the country to the other and sell out of the State for the first time.

Then, finally, on the gun show loophole, if you really wanted to fix this, you would pass the bill we had before us 2 days ago, the bill that was spon-

sored by the Senator from New Jersey, cosponsored by me.

Let me say this: 2 days ago I brought up on the floor to the Senator from Idaho that there were mistakes in the bill. The next morning they said, yes, there were. They were corrected; some of them, not all. Last night, I went quietly over to the Senator from Utah in the hallway and said that you have a major loophole in this called "special licensees." If I or the Senator from New Jersey or the Senator from Vermont were trying to obfuscate, we would have just laid in wait, not brought that up to you and not looked at the correction.

I say this: It is only fair to give us some time to look at the language here, because twice what we were told was in the bill was not in the bill. I think something is going on here. We are trying to act as if we are being tough on gun control but then put so many loopholes in the bill that we can say to our friends on the other side, hey, see, we really didn't mean it. It is sort of a Dr. Jekyll and Mr. Hyde.

I am also told, in all fairness, by the Senator from Utah—and I don't know, because the language hasn't been analyzed—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CAMPBELL. Mr. President, each year half a million guns are stolen and thousands of violent crimes are committed with stolen guns. Furthermore, approximately half of the juvenile gun related crimes in this country involve stolen guns.

To address this problem, I am pleased the amendment pending before the Senate to S. 254, includes provisions to increase the maximum prison sentence for existing stolen gun laws. This provision is based on S. 728, the Stolen Gun Penalty Enhancement Act of 1999, which I introduced on March 25, 1999.

The extent of this problem was recently underscored by several news reports and studies. Reports indicate that almost half a million guns are stolen each year. Each year, the Federal Bureau of Investigations alone receives an average of over 274,000 official reports of stolen guns. A large number of stolen guns also go unreported. Bureau of Alcohol, Tobacco and Firearms studies note that convicted felons often choose to steal firearms as a way to avoid mandatory background checks.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this March, the Bureau had a total of 36,000 guns on its unrecovered stolen firearms list, with about one-third of them being handguns.

As I mentioned earlier, the stolen gun problem is especially widespread and alarming among young people. A Justice Department study of juvenile inmates shows that over 50 percent of them had stolen a gun.

Clearly, with half a million guns being stolen each year, those criminals and juveniles stealing guns must not be very deterred by the current penalties. A provision within the bill before us today would address this problem by increasing prison sentences for violating current stolen firearms law provisions from a maximum of 10 years to a maximum of 15 years imprisonment.

Specifically, under current federal law, it is illegal to steal a firearm from any person including licensed firearm collectors, dealers, importers, and manufacturers. It is also illegal to knowingly transport, ship, receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition. Current sentencing guidelines cap the penalty for violating these stolen gun laws at a maximum of 10 years imprisonment. My provision calls for increasing the maximum prison sentence from 10 years to 15 years, and directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

While I am a strong supporter of the rights of law abiding gun owners, I also firmly believe we need tougher penalties for criminals who steal guns or use stolen guns to commit crimes. This stolen gun penalty enhancement provision will send a clear signal to criminals that stealing or using stolen guns is something we take very seriously.

I urge my colleagues to join me in supporting this provision.

Thank you Mr. President. I yield the floor.

Mr. HATCH. Mr. President, let us see if I can bring some order to this. We did say last night we were going to try to come up with language that would address Senators' concerns.

I hesitate to say this, but the distinguished Senator from New York had the language before I did. It was only a matter of minutes, but he did. It is only a one-paragraph thing. But rather than continue the heated debate, I will ask my colleague, the distinguished Senator from Vermont, if he will work with me. Let us see if we can work out this language so that we can solve this, so that your side is happy with it. I am personally happy with the Hatch-Craig amendment. But to the extent we can do that, we will do that.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Utah and I have had a chance to discuss this during the debate. I think this is the wise way, to go ahead and vote on the amendment before us without the modification. The Senator from Utah and I will work during the morning. We are stuck here like everybody else this weekend so let us work on this. It has come in at such a late time and this is such a technical issue.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is attending a funeral.

I further announce that, if present and voting the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—48

Abraham	Domenici	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Bunning	Gregg	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Jeffords	Specter
Craig	Kyl	Stevens
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich

NAYS—47

Akaka	Feinstein	Mikulski
Baucus	Fitzgerald	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hollings	Robb
Boxer	Johnson	Rockefeller
Bryan	Kennedy	Sarbanes
Chafee	Kerrey	Schumer
Cleland	Kerry	Smith (NH)
Conrad	Kohl	Thomas
Daschle	Landrieu	Thompson
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Edwards	Levin	Wellstone
Enzi	Lieberman	Wyden
Feingold	Lincoln	

NOT VOTING—5

Breaux	Inhofe	Moynihan
Dodd	Inouye	

The amendment (No. 344) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

• Mr. INHOFE. Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "no" on the Hatch-Craig amendment. This position is consistent with my vote to table the same amendment on May 13. The tabling motion failed 3-97, thus leading to the today. I believe my presence would not have changed the outcome since determined efforts were being made to switch just enough votes to assure the amendment's passage. •

AMENDMENT NO. 350

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes debate on the Schumer amendment, to be equally divided in the usual form. Who yields time?

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will Senators please clear the aisle and take their conversations off the floor.

The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is a very simple one. It requires Internet web sites which offer at least 10 guns for sale to be federally licensed firearm dealers—no more, no less. It closes the loophole which has allowed unlicensed, and only unlicensed, gun brokers to set up web sites offering thousands of guns for sale.

Right now, if you punch into the web you will see legitimate gun dealers who will continue just as they have been, and you will see lots of unlicensed gun dealers.

Mr. CRAIG. Mr. President, the Senate is not in order. The Senator from New York deserves to be heard on this issue, as will I.

The PRESIDING OFFICER. The Senate is not in order.

Mr. CRAIG. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Again, this bill has no effect on chat rooms, on newspaper want ads, or on licensed dealers in any way. It does not restrict advertising or the sale of guns on the Internet. It is a very simple and modest measure which says that unlicensed dealers cannot—cannot—sell guns on the Internet. If they wish to become a dealer, which is relatively easy, then they will be able to.

The entire nature of the black market in guns will make a quantum leap if we do not deal with this problem. The Internet has already become for some, and will become for many, the method of choice by which children, criminals, and the mentally incompetent get guns. Presently the unlicensed dealers sell their guns completely on the honor system. Let me quote one, GunSource.com:

Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be.

That is how a 17-year-old Alabama boy got a semiautomatic last month.

The Weapons Rack:

It is the sole responsibility of the seller and buyer to conform to regulations.

My colleague from Idaho said last night there are laws on the books. You can't enforce them on the Internet unless you have a dealer, because if somebody says on the Internet that he is 22 and gets a gun mailed to him and he is really 14, the post office is not going to open every piece of mail that might have a gun. We wouldn't want them to.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds to finish my point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Just this morning we did not close the gun show loophole. Maybe we will, but we have not. Let us not say the same about the Internet loophole. We can easily close it by simply requiring everyone who sells to be a licensed dealer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senators who just voted for the immediate past amendment have voted to clarify and limit advertising on the Internet, both for guns and explosive materials. Remember, the Internet is an advertising medium. Guns do not materialize through the screen of the computer if you order them. In fact, if you order a gun on the Internet, here is what American Guns says:

Please note, a buyer must first call the seller of the gun, confirm the price available, arrange for a Federal-firearms-licensed dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

The Senator from New York mentioned the 17-year-old Alabama boy. If that happened—and I am not saying it did not happen; he has the news story—three laws were broken. Three laws were broken. The teenager attempting to buy the gun broke a law. The person who trafficked the gun, transported it, broke a law—you cannot transport a gun through the mail service, through a common carrier. There has to be contact in these relationships or laws are broken.

I must also tell you, although I am not a constitutional attorney, he walks all over commercial speech. This is advertising. We have corrected those kinds of things in our bill to make sure we keep the Internet clean, but we went one step further, we went after the explosive materials and the kinds of devices that were used in Littleton. I think all of us want that corrected. That is what you voted for. Let's not trample on the marketing that goes on, advertising on the Internet. Let's keep this bill and the Internet clean and protect those kinds of rights.

I yield my time.

Mr. HATCH. Mr. President, is all time yielded back?

The PRESIDING OFFICER. Thirty seconds remain.

Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I do hope this amendment will be tabled. I intend to move to table it. I know my colleague is very sincere about it, but I am concerned about decent, law-abiding people and having these onerous burdens placed upon them.

Mr. President, I move to table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is agreeing to the motion to table amendment No. 350.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. BENNETT), and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote "no."

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—50

Abraham	Enzi	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bayh	Gramm	Roberts
Bingaman	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Domenici	Lincoln	Thurmond
Edwards	Lott	

NAYS—43

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Fitzgerald	Lugar
Boxer	Graham	McCain
Bryan	Harkin	Mikulski
Byrd	Hollings	Murray
Chafee	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
DeWine	Kohl	Sarbanes
Dorgan	Lautenberg	
Durbin	Leahy	

Schumer	Voinovich	Wellstone
Torricelli	Warner	Wyden

NOT VOTING—7

Bennett	Inhofe	Moynihan
Breaux	Inouye	
Dodd	Mack	

The motion was agreed to.

Mr. CRAIG. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

• Mr. INHOFE. Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "yes" on the vote to table the Schumer amendment. •

The PRESIDING OFFICER (Mr. BROWNBACK). The distinguished majority leader.

Mr. LOTT. Mr. President, for the information of all Senators—and I see there are a few still interested in what the schedule may be; a few have decided they will worry about it next week—I will propound a unanimous consent agreement now that would allow for a list of amendments to be locked in and passage time of this vital piece of legislation.

I know that Senator HATCH and Senator LEAHY, Senator BIDEN, and Senator SESSIONS have spent a lot of time trying to craft this legislation, and there are some good features in here. I am sure there are a lot of Senators who have agreed or disagreed with certain parts of it, but there are a lot of good things that have been included. If this agreement can be entered into, then this vote that would be coming up would be the last vote until Tuesday morning. If the agreement cannot be reached, then we have no other alternative but to keep going forward today and have votes to try to dispense with this legislation.

I think it is important that we get the list locked in and find a way to bring it to a reasonable conclusion, with Senators being able to offer amendments and have debate during the day today and on Monday, and then we would have votes on Tuesday and Tuesday night.

It is very hard for the leadership to try to honor all Senators' requests. First of all, all Senators knew that we would be having votes today, and yet a lot of them have complained about it and have now left. It is very hard to get amendments accommodated and voted on when Senators say: I do not want to vote Thursday night. Or when we have Senators that say: I have to be gone Friday. Or when we have Senators say: I have amendments I want to offer, but I don't want to do it Thursday night, Monday or Friday. I want to do it Tuesday afternoon when it is convenient for me, even though it may inconvenience 99 other Senators.

I am asking Senators, please, be reasonable. I know on both sides there has been an effort to narrow down the list and get a way that we could have votes on key amendments and bring it to a conclusion. But it is very hard when you have that kind of attitude with Senators saying: I don't want to do it on Thursday night or I don't want to do it on Friday or I don't want to do it on Monday. I would like to do it at my pleasure, Wednesday afternoon.

I hope we can at least lock in amendments where they won't continue to grow. We have had a lot of good debate and a lot of good amendments.

I now ask consent the following amendments be the only remaining first-degree amendments in order, with relevant second-degree amendments in order only after a vote on or in relation to the amendment and the amendments limited to time agreements where noted, all to be equally divided in the usual form.

I further ask that all first-degree amendments be offered and debated on Friday and Monday's session of the Senate, with votes stacked to occur in the order offered beginning at 9:45 a.m. on Tuesday, with 5 minutes for debate equally divided prior to each vote.

I further ask that following the disposition of the listed first-degree amendments, the bill be advanced to third reading and passage to occur, all without any intervening action or debate.

I do have a list of amendments and I need to, I believe, read and submit them. I will just send it to the desk.

I believe Senators REID and DASCHLE have a list of amendments on their side they would like—are you going to submit those to the desk now?

Mr. DASCHLE. Mr. President, if the majority leader has propounded a unanimous consent request, reserving the right to object, let me just respond first by sympathizing with his lament about scheduling votes. It is extraordinarily difficult, and both of us are confronted daily with requests for certain prerequisites with regard to votes that make it increasingly difficult for us to schedule legislative debate. There are people who are objecting to votes now even on Friday mornings. I remember Senator Mitchell once lamenting to me personally that the only time he could absolutely schedule a vote without any criticism was Wednesday afternoon. I think there is a lot of truth to that. Now I know fully what he meant. And that is before 7:00.

We have been on this bill for 3 days. We have had 15 amendments offered, and there have been good debates. There have been time limits associated, as I understand it, with each one of the amendments. There have been 14 rollcall votes. Our side alone began with a list of 89 amendments, and I do not in any way diminish the importance of any one of those amendments.

I think that they are all worthy amendments. Not one of them was dilatory, not one of them was irrelevant to this bill. The problem, however, is that with the extraordinary work of Senator REID and Senator DORGAN, we have now been able to persuade our colleagues to reduce that list. Many of them have waited patiently with the expectation that if they waited patiently, they would get their turn. In many cases, they have waited now 3 or 4 days to be able to offer their amendment.

Now what we are telling them is that we want you to offer them today or Monday, even though we have spent 3 days and we have only been able to get through 15 amendments. We have been able to get our list down to around 30 amendments, as I understand it. So it would be very difficult, without further cooperation on both sides, to accommodate the unanimous consent request that the majority leader has understandably propounded.

So we will have to object to his request. We would be more than willing to enter into an agreement that would require a complete listing of all the amendments to be offered with time limits. We will offer amendments today and Monday, filling the day today, and then on Monday, in an effort to move this legislation along, and then stack votes on Tuesday, as the majority leader has requested.

What we can't agree to, given where we are right now, is any time certain for final passage—recognizing the majority leader's desire to work through a number of other bills yet next week. At least right now, that is not something that we can agree to. I hope, at the very least, as the majority leader suggested, we can submit the list, work on that list, and we can even tighten up the time limits. I think that is all doable.

So I have to object to the request as it was propounded.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I will have another suggestion on what we might be able to do in a moment. I want to remind Senators that next week we have the Y2K liability issue that we need to have concluded. The House has voted on that. The clock is running. This is not an issue we can leave unclarified any longer, because we are fast approaching the time when this liability question has to be known and dealt with in one way or the other because we are fast approaching the turn of the clock into the next millennium. We also have, after a lot of difficulty, the supplemental appropriations bill, which we have waiting in the wings. We need to bring that up. We also have the bankruptcy bill that is scheduled for next week—a bill that has overwhelming bipartisan support on both sides. That bill is beginning now to be

squeezed out of the picture because of other bills.

I want to complete this bill. Two years of effort has been put into juvenile justice, and we need to have some decision made in that area. We have had amendments, and more will be offered, on violence in the schools and how we deal with it, and violence in the movies, and the gun issue. So we need to try to find a way to conclude it.

I will then propound another UC, the same as the earlier one, with votes occurring on Tuesday morning, stacked. Those amendments that had been debated on Friday and Monday, beginning at 9:45, with 5 minutes of debate; and instead of asking that following disposition of the listed first-degree amendments the bill be advanced to third reading and passage occur all without any intervening action or debate, I will modify that to say we will go to third reading and final passage at 5 o'clock on Tuesday. That way, we would have the debate on amendments the rest of today, on Monday, votes on Tuesday morning, more amendments and debate with time limits, and final passage to occur no later than 5 o'clock on Tuesday afternoon.

Then we would be prepared to have a vote on the Y2K liability issue and go to the supplemental on Thursday, hopefully completing it. Although the supplemental can't be completed probably in just a couple of hours; it will take a little longer. Then we would go to bankruptcy after that. I will make that request. The Senator suggested that we go ahead and use the bulk of Tuesday. I think that is fair, and I hope we can get this agreed to.

Remember, I made a commitment to call up this bill so we could have this debate, and I made a commitment to bring it up on last Tuesday, I guess. Actually, we started on Monday. We agreed we would work to try to complete it on Thursday. That effort has been made by Senator DASCHLE, along with Senator REID, and I appreciate that. So we will have other amendments and debate on Friday, Monday, votes on Tuesday morning, more debate, amendments and votes Tuesday afternoon, but finish it up Tuesday. That will have been a full week. That will have been 7 days we will have spent on it. I believe that we will have been able to craft, hopefully, a good bill, and we have all been able to make our case and get to a conclusion. I make that request.

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, I failed to mention my admiration for our two managers and the excellent job they have done in getting us to this point. This has not been easy. They have worked diligently on both sides to bring us to this point. I want to reiterate my gratitude for the effort they have made to get us here.

In the 103rd Congress, we spent 11 days on a bill of this kind. It was a very important piece of legislation—I guess it was 12 days. So it is difficult to bring up a bill of this complexity and controversy without having the opportunity to spend some time on it. As the majority leader noted, he has brought this up, as he promised he would, open to amendment. I have indicated that if we were to do that, I would work as hard as I could to ensure that we stayed on the bill and worked diligently to ensure that it is completed in a reasonable time. My hope was that we could do it this week. I think we will get it done in a reasonable time early next week.

I am unable to agree to that time limit just because, again, we don't know what the circumstances will be Tuesday. But I will promise this: We will continue to make the effort we have made over the last few hours to lock in time limits on all of the amendments and to make sure there is no quorum call, or any other intervening time that would be dilatory. We want to back these up, one after the other. So we will agree to a list and time limits, but I will have to object to a time certain for final passage.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield to the chairman.

Mr. HATCH. Mr. President, I have listened carefully to the minority leader, and I appreciate his usual courtesy. But just stop and think about this. There has been all this time on this bill. If we were to vote on it today, it would pass overwhelmingly. It would make a tremendous amount of difference to this country at a time when that tremendous amount of difference needs to be made.

We all know how this game works around here. If we don't put a finality to it—and our leader has tried to do that—in this very tight time-constrained situation, with Y2K and all the other bills that have to come up, defense bills, the supplemental appropriations bills, and other types of appropriations bills, we will wind up spending another 4 or 5 days, or maybe even 2 weeks, on this bill. I know the majority leader does not have that much time and neither do we on this side.

If we wind up without a juvenile justice bill this year after we have come this far, I think it would be catastrophic for this Nation. The next time we have another situation like the Columbine massacre, I wonder what kind of excuse we are going to use at that time if we didn't do the very best we could.

I hope my colleagues on the other side will think this through. We are seeing a situation that could bring this bill down because we don't have the time to play politics with it. To have

everybody bring up their amendments—we could go on for years with amendments on juvenile justice. We have done that for 2 years now. I know the distinguished ranking member of the Judiciary Committee has worked closely with me to get this to a conclusion.

I think this is a pretty fair offer. I understand the minority leader may not be able to get his people together on this at this particular time. But let me tell you, I can't blame our majority leader if he has to pull this down and get the other bills done under these circumstances. I am very concerned.

Mr. LOTT. Mr. President, in view of the objection, I will get the amendments locked in.

I ask unanimous consent, then, that the following amendments be the only first-degree amendments in order, with relevant second-degree amendments in order, only after a vote on or in relation to the amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

I have sent to the desk my list of amendments.

The list is as follows:

JUVENILE JUSTICE AMENDMENTS

B. Smith—relevant.
 B. Smith—relevant.
 B. Smith—judges/felons
 B. Smith—gun lawsuits
 Stevens—parenting; 20 minutes.
 Stevens—brain dev.
 Stevens—relevant.
 Helms—relevant.
 Helms—relevant.
 Ashcroft—IDEA
 Chafee—trigger lock.
 Chafee—prevention.
 Chafee—site and sound separation.
 Chafee—title 1 of the bill.
 Specter—prevention.
 Bond—film industry.
 Hatch/Feinstein—gangs.
 Frist—victims rights
 Santorum—Aimee's law; 20 minutes.
 Craig—Fed Grants, gun safety.
 Craig—self defense prevention.
 B. Smith—2nd amdtment right protection act.
 McConnell—fed prop/violent movies; 30 minutes.
 Ashcroft—try juvenile as adults; 30 minutes.
 Inhofe—prohibit violent video games.
 Gregg—ID for NC 17 movies.
 Gregg—faith based intervention.
 McCain/Lieberman—National YV Comm.
 Abraham—locker searches; 20 minutes.
 Sessions—disclaimer.
 Allard—memorials school property; 30 minutes.
 Lott—4 relevant.
 Hatch—2 relevant.
 Gramm—relevant.
 Gramm—Family law.
 Sessions—Hotline.
 Akaka—gun registry.
 Biden—Cops.
 Bingaman—School security.
 Boxer—After school programs.
 Boxer—No guns until 18 years old.
 Byrd—Sale of alcohol to minors.
 Byrd—Relevant.

Daschle—Relevant.
 Daschle—Relevant.
 Daschle—Relevant.
 Dodd—Truancy.
 Dodd—Conflict resolution.
 Dorgan—Son of Sam laws.
 Durbin—Child access prevention.
 Durbin—Waiting period.
 Feinstein—Gun industry package.
 Feinstein—Separation (w/Chafee).
 Feinstein—Gangs (combined w/4 and 5 as 1 amdt)
 Feinstein—body armor.
 Feinstein—Bomb-making.
 Harkin—School counseling.
 Harkin—IDEA.
 Kennedy—Labor.
 Kerrey (NE)—Gun shows.
 Kerrey (NE)—State advisory committees.
 Kerry (MA)—Early childhood development demo project.
 Kohl—Child safety locks.
 Kohl—Prevention block grants.
 Lautenberg—Juvenile mentoring program.
 Lautenberg—Gun shows.
 Leahy—Relevant—Managers amendment.
 Leahy—Relevant.
 Leahy—Relevant.
 Leahy—Relevant.
 Levin—Semi automatic.
 Lieberman—National youth violence commission.
 Moynihan—black powder.
 Moynihan—Explosives.
 Reid—Relevant.
 Schumer—Prohibition sales handguns, semiauto/large capacity.
 Torricelli—Gun kingpin penalty act.
 Torricelli—Explosives.
 Wellstone—Mental health treatment.
 Wellstone—Mental health treatment.
 Wellstone—Access to legal representation.
 Wellstone—Disproportionate minority requirement.
 Wellstone—Welfare tracking.
 Wellstone—Integration mental health into ESEA programs.
 Wellstone—SEED money states for mental health providers school.

Mr. LOTT. Mr. President, do we have Senator DASCHLE's list of amendments?

Mr. DASCHLE. Yes. We submitted it.

Mr. ASHCROFT. Reserving the right to object, is there a list of amendments?

Mr. LOTT. Yes. Senator ASHCROFT's amendment is on the list.

Mr. ASHCROFT. I have no objection.

Mr. WELLSTONE. Reserving the right to object, I want to make sure I know what is on the list.

The PRESIDING OFFICER. Is there objection to the request by the majority leader?

Without objection, it is so ordered.

Mr. LOTT. Thank you, very much, Mr. President. At least we have locked in the amendments where they will not continue to multiply. But I don't view this as a positive development. It is unfortunate. If Senators are waiting to see if there are any now, there will not be any further rollcall votes today. The next rollcall vote will occur probably at 9:30 Tuesday morning. But we will need to make sure, and we will make the Democratic leader aware of the exact time and the vote. I presume that vote will be on Y2K.

I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, I think the distinguished majority leader is saying it is not a positive development. Of course it is. We have cut back very substantially on the number of amendments. On this side, we cut out two-thirds of our amendments. We have worked very closely. I have not had a single Senator on the Democratic side who failed to agree to a time agreement every time the distinguished majority managing Senator wanted it. They have agreed, in fact, to each and every single one. In fact, we have had Senators who brought up amendments who took less time to debate the amendments than some of the rollcalls have taken while we have waited to see who had to leave.

Mr. LOTT. If I could respond, just to show you what I am talking about, at least this stops them from multiplying. But this is a pathetic accomplishment. There are 100 Senators, and we have about 75 amendments left. Please, let's get serious. Every Senator doesn't have to offer an amendment. We can make our case about what we think is positive juvenile justice and what is causing the violence in our country and the violence in our schools. I think it is a societal and a cultural problem. I don't think it is as a result of guns in this country. It is why these things are happening, not what and who.

This is very minimal. It is a very, very disappointing accomplishment. We will have to evaluate now how to proceed.

Mr. LEAHY. Mr. President, if the Senator could respond on that, he said there are 100 Senators, and they don't all have to put them in.

In 1994 we had the crime bill. It was on the floor for 12 days—over 3 weeks. There were 99 amendments. Maybe there was one Senator who did not have one. I mention that only because of what the Senator from Mississippi said. But there were 99 amendments, a great bulk of them coming from the other side. And in no way did the then Democrat majority seek to cut them down. It took 12 days—over 3 weeks. The predecessor to this is S. 10. The Judiciary Committee, under the distinguished leadership of the Senator from Utah, met in the summertime for over 6 weeks to work on 55 amendments.

Mr. LOTT. If I might respond.

Mr. LEAHY. We can clip through these things.

Mr. LOTT. If we have to spend a month on a bill, or 6 weeks on a bill, how many bills are we going to be able to take up that are important to our country? The defense authorization bill is one that we have to take up next week. It is extraordinarily important, because here we are with our troops engaged in combat at this very moment. We have to get that work done.

It is a very interesting crossfire you get into when we are saying, wait a

minute, we have to have 99 amendments, we have to have 6 weeks, or 11 days, on this piece of legislation.

Mr. LEAHY. I am not suggesting that.

Mr. LOTT. Then the argument is, why aren't we doing more bills? You can't have it both ways.

Give it a reasonable time, give it full debate, have reasonable amendments, and then vote.

I, frankly, feel used and put upon. I thought we were going to have a good debate, have amendments, and complete this by Thursday night. I understood there was good effort being made. We said, OK, we will be in on Friday, debate all day on Friday, and debate all day on Monday, with votes Tuesday, and all day Tuesday. There has to be an end to this. There has to be some reasonableness.

But look, we made our point, and now that we have the amendments locked in, hopefully the managers and others can find a way to figure out how to end this. When they do, give me a call.

Mr. SESSIONS. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield.

Mr. SESSIONS. I just want to say to the majority leader how much I appreciate his leadership, and that of Senator HATCH. One reason we ought not to have so many amendments is that Senator HATCH, in managing this bill, has worked to accomplish and accommodate as many amendments as there could possibly be. I am just concerned that we don't have a final time agreement. I think that reflects and suggests there are some in this body who do not want a bill passed. I think it would not be helpful. We need to pass this legislation. And we have accommodated greatly those who have differing views. I think it is a good bill, and it will be a tragedy if we do not complete it. I know you have to have at some point a time limit or we cannot continue with it. I hope the Members of the other party will agree to a time limit.

Thank you.

Mr. WELLSTONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. LOTT. Yes.

Mr. WELLSTONE. Mr. President, first of all, as the majority leader knows, there are some of us who have waited patiently. We have amendments that are right on point with this legislation. We are concerned about things like disproportionate minority confinement, some of the sort of sentencing that has to do with race, some of what is very weak in this bill in addressing that. My colleague from Alabama says it would be a tragedy if this bill didn't pass. Some of us think it would be a tragedy—let me finish if I could.

Mr. LOTT. I want to make it clear that I didn't yield the floor but I would be glad to yield to the Senator for his comments.

Mr. WELLSTONE. Thank you.

Some of us think it would be a tragedy if this bill passed in its present form without an opportunity to try to make this a much better bill. I gave one example. I can talk about the amendments that deal with juvenile justice and mental health. There has been very little focus on that. I think there has to be a full-scale debate and discussion about what it means when so many kids of color are disproportionately incarcerated. What does that mean in America? And what kind of legislation is this that does not allow States to do the kind of investigation they need to do, or that really doesn't give the States the encouragement to do that kind of investigation so we can understand it better?

There are a lot of key issues here that are directly relevant to this piece of legislation. Nobody is talking about 6 weeks. Nobody is talking about 1 month. But in all due respect, you brought the bill out. It is called the juvenile justice legislation.

I would like to have an opportunity to vote on this on the justice part. There are a lot of serious human rights abuses in some of these facilities. I have visited some of these facilities in this country, some of which are snake pits. I would like to make sure that these kids, even if incarcerated, are treated in such a way that it is correctional.

Don't tell me that the kinds of amendments I have in mind aren't on point. I think we would be willing to move forward on this legislation. I want the majority leader to know that it is not a question of 6 weeks, it is just a question of some of us refusing to essentially be squeezed and jammed, to be told: All right, now we don't focus on a lot of the substance of this legislation.

We have amendments. We are ready to debate these amendments. I will bet that if we even went another day, Tuesday, and we could offer amendments Tuesday as well when people are here and then we finish as soon as possible, that we would move forward—if I could just finish.

Mr. LOTT. Just one point.

Mr. WELLSTONE. If I could finish my statement; I have been patiently waiting here.

Let me just be crystal clear that when I hear colleagues from Utah and Alabama, both of my friends, say it is a great piece of legislation, it would be a tragedy if it didn't pass right now, that they have presupposed what is in doubt about a good piece of legislation. Aren't there places where it could be corrected? Aren't there things we could do better?

I give one example: the amendment I introduced with Senator KENNEDY which deals with the whole problem of disproportionate minority confinement. We need time to do that.

Mr. LOTT. If the Senator would, perhaps I could go ahead and do my work, and he could continue after that.

Mr. WELLSTONE. I said what I needed to say.

Mr. LOTT. The Senator from Minnesota suggested that if they could offer amendments on Tuesday and get votes, that would be positive and we could complete this bill. As a matter of fact, that is what I suggested and it was objected to.

Mr. WELLSTONE. What I thought I heard was no debate, and that all debate would be over.

Mr. LOTT. No. What I suggested was we have Senators—I realize it is hard for Senators to work on Fridays and Mondays. It is a real inconvenience. But what I suggested was the amendments be offered on Monday, on Friday, and debated, that amendments be offered all day Monday—the Senator could surely get his amendment offered on Monday, and I think it is one that ought to be offered and debated—have the debate, and then on Tuesday we would vote on all those amendments that had been offered up to that point, and have votes. Then we would go on to other amendments with time limits agreed to during Tuesday afternoon, and then have those voted on, and final passage by Tuesday afternoon.

That was objected to.

The problem is, Senators don't want to offer their amendments on Mondays or Fridays or Tuesday afternoons. It really makes me question whether they are serious about getting to a conclusion.

Mr. WELLSTONE. If I could respond to the majority leader, I have amendments that are on point. I am more than ready, willing and able to debate these amendments, but I believe what Senator DASCHLE was saying, and this was the point I was trying to make, in all due respect, the substance of this legislation, the juvenile justice legislation, you can't artificially say by the end of Tuesday that is it; surely, Senators don't have anymore amendments that deal with this topic; surely, we don't have anymore time to spend on this.

We are talking about kids. We are talking about how to prevent kids from getting into trouble. We are talking about the best kind of corrections for kids that get into trouble. We are talking about a lot of issues here.

I think Senator DASCHLE was saying you just can't simply say if it is not done by Tuesday, it is all over, period.

AMENDMENT NO. 351

(Purpose: To allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school)

Mr. LOTT. Mr. President, I send an amendment to the desk, No. 351. I am pleased to join Senator ALLARD from Colorado in offering this amendment.

It would allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and allow students, faculty, and administrative staff of the public school to hold an appropriate service on their campus to honor these students and teachers.

I am horrified to find, and I think the American people would be horrified to find, that there are those in this country who object to having appropriate memorial services on the school campuses for teachers and students who are murdered. This should clearly be included in this legislation.

I am pleased to join Senator ALLARD in that amendment.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ALLARD, for himself and Mr. LOTT, proposes an amendment numbered 351.

Mr. LOTT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assist-

ance to the school district or other governmental entity that is defending the legality of such memorial service.

Mr. ALLARD. Mr. President, first of all, I thank the majority leader for giving me an opportunity to participate more fully in this legislative process and for his profound concern for the people of Colorado. The majority leader has been especially sensitive to this tragedy as it affected the students, parents, teachers, administrators and the support staff at Columbine High School in Littleton, CO. I appreciate his willingness, along with the chairman of the Judiciary Committee, to work with me on possible solutions in the youth violence bill. There will be proposals to try and prevent future tragedies of this nature in our Nation's schools. There will be those who will try and take advantage of this tragedy for their own personal gain. Sadly, in some cases, some people have already sought to gain from this horror.

There will be those who will want to completely ignore the problem believing that it will go away on its own. There will be those who share the views of many editorial writers in Colorado that this is a very complicated issue and that no simple solutions are going to be forth coming. These writers echo my views that only a comprehensive examination of all the contributing factors will yield smart, effective policy.

The natural reaction is to seek simple solutions by laying blame. Was it inadequate laws? Inadequate enforcement? Do we blame parents, teachers, students themselves, administrators, politicians, organizations, the entertainment industry, churches, or the whole of society? Do we blame the Constitution of the United States?

We need to put all this finger pointing aside and realize that we didn't come to this point overnight, that no one thing is culpable, and that finding sensible solutions will take some time. Now is the time to concentrate and focus on what can be done about the emerging violence we are seeing in our schools. This is the time for us to look for responsible solutions. Now is the time to try and come up with common sense solutions that will make schools more safe.

The Constitution of the United States is one of civilization's greatest documents. It has served magnificently as the basic governor of this nation, the world's greatest nation, as it has developed and thrived for over 200 years. The Constitution continues to serve us well and will serve us well as we go through dramatic change in the future.

It is the bedrock and the foundation that moves us through national crises while preserving individual freedom. It empowers and checks the government in thoughtful, humble, and timeless language. I would like to take this op-

portunity to briefly examine the Bill of Rights in the context of today's world and in light of the recent shootings in our schools.

During the most recent violent school crisis in Colorado and previously in Oregon, Arkansas, Kentucky, and Mississippi, we are suffered the sense of loss, pain, anger, and frustration from each event. We collectively witnessed the anguish of students, teachers, parents, administrators, and law enforcement through an intense and at time intrusive news media invasion. The wide and dramatic coverage of these events often inspires copycat crimes. But we do not throw out the first amendment.

We have seen what happens in societies where there is no freedom of the press. We have witnessed the danger of censorship and government control of the media most recently in Iraq and Yugoslavia; ruthless dictators shut off the free flow of information to strengthen their grip on people who don't enjoy the benefits of a free press! Yes, some who report the news can be insensitive, irritating and down-right rude, but the alternative is far worse. Most news reporting is responsible.

It seems as though we are flooded in today's world with acts of violence from guns, knives, and bombs. Anger wells-up inside us as we read and witness such senseless acts of violence, especially in our schools which are supposed to be safe havens for learning. There are many responsible, law-abiding Americans who own and use firearms today.

We have witnessed many cases where ruthless dictators have moved early in their reign to disarm their soon-to-be victims. Yes, of the 270 million people in this country there are a few who are a menace to society with the guns that they own, but we cannot forget the many responsible gun owners in the United States. Guns have sporting uses, but they also save lives. Let us not forget that guns have been used to protect people, and they will continue to do so in the future.

The third amendment to the Constitution talks about the excesses of the military in terms of the home. It recognizes the right of the citizen to have his own home and to have it as his sanctuary free from any soldier claiming a greater right than the citizen. In times of civil crisis we occasionally see the military used to ensure safety.

Most soldiers are dedicated and trustworthy servants of this country and it is only on the rare occasion that one is not. Throughout these crises in our schools we have seen a highly charged and emotional police force move to secure the area and conduct an investigation. People are calling for quick action, looking for people to blame, and being critical of every move. The fourth amendment protects

students, teachers, administrators, and parents from unfounded accusations and unwarranted seizures. It protects them from the crafty criminal who may want to shift the focus and action to an innocent party. One does not have to look far to see that people in parts of Central America, Iraq, and Yugoslavia do not have this right. During these times of crisis in our schools, people in and around these institutions are protected by due process of law.

They cannot be deprived of their life, liberty, and property without due process of law; nor shall private property be taken for public use without just compensation. Some Americans want to disregard these provisions in a time of crisis. There are those who demand immediate resolution regardless of cost, but here we see the grandeur of the fifth amendment as it protects people from whims and the heat of a crisis.

In any time of urgent need or catastrophe, the innocent may fall victim to false accusations. This is particularly obvious when elected officials are trying to show the electorate that they can produce results. We have seen the innocent accused and then exonerated by the justice system in cases of violence in our schools, and for this we owe the sixth amendment to our Constitution.

During these troubling times in our schools there are claims of injury placed against those who have had a public responsibility. The vast majority of our public servants are good decent Americans who work to serve other people. There are a few, for one reason or another, who fail to carry out their responsibilities. The method for redress in these sad circumstances is provided in the seventh amendment.

In responding to the horrific events in our schools the justice system is required to balance bail and punishment with the crime committed. The eighth amendment provides for this process to be fair and judicious.

And what of rights not clearly enumerated in the Constitution? The ninth amendment expressly states that as sweeping and dedicated to liberty as the document is, it cannot provide for all freedoms. The ninth amendment allows for the protection of rights not clearly defined by the Constitution indicating a wisdom that we embrace as we approach any crisis.

The 10th amendment prevents the Federal Government in times of crisis from ignoring the role of the States. Our forefathers feared most of all not the military but a national police force. The individual states were given the basic responsibilities of law enforcement, and in times of school crisis we have witnessed the effectiveness of this provision. We have also witnessed through our history many nations terrorized by a national police force. In these cases isn't an armed citizenry capable of defending itself the preferred but not perfect solution?

My purpose for reviewing these vital amendments to our Constitution, this grand Bill of Rights, is to illustrate that in times of crisis, these rights are the layers of a foundation of liberty on which we live. This bedrock is the sacred strength of our nation. It is the bedrock that supports our churches, our homes, our businesses, and our schools. A natural tendency in times of crisis is to drive wedges into this bedrock in search of a solution. It is my hope that we conduct this debate upon the bedrock, and not within it.

I hope during this debate we keep in mind that we do not have the power to eliminate all violence in all schools. We must strive to restore a safe environment for learning within the bounds of individual freedom. A few must not be allowed to destroy that which the American people have prospered and come to appreciate over several centuries. Common sense and sensitivity must prevail.

In that light I believe there are things we can do to address school violence. There are no simple solutions and it will not happen overnight but I believe we can begin to move down that road by improving the safety in our schools. Even though schools will be our focus, the problems we face go far beyond the walls of any school, any community, any state, or for that matter any country. The laws we pass will have far reaching effects on numerous aspects of our society. I look forward to proceeding through this legislative agenda in a thoughtful manner, mindful of our sacred responsibility to the bedrock of our nation—the Constitution and the Bill of Rights.

I was recently given the honor and privilege of chairing a task force on Youth Violence. This task force, composed of twelve Senators, has thoughtfully deliberated over the problem of youth violence for the past two weeks. Our efforts are, in part, a response to the recent tragedies seen in our nation's schools. We support S. 254, the Juvenile Justice bill, and the efforts of Chairman HATCH and his committee who have labored for the past several years to draft careful reforms that will positively impact our juvenile justice system. In addition, we have come to a consensus on several themes which affect juvenile crime, education and our culture. This package of legislative proposals applies reasonable reforms which we hope will enhance the work of Senator HATCH and his committee.

The consensus of themes our task force will be working toward this week are:

Strengthening prevention and enforcement assistance to State and local government. This is the first step in a plan which infuses funds to State and local authorities to combat juvenile crime. The Federal government will assist states best by providing flexible block grants. Our plan includes juvenile

crime grants; improving our management of juvenile crime records; targeted prevention funding; a plan for graduated sanctions which begin early—when the first signs of delinquent or antisocial behavior appear, and alternative education opportunities for at-risk or problem juveniles.

Another point is pushing back the influence of cultural violence by empowering parents and encouraging the public to be socially responsible. Our second step is to help our culture do more to limit the exposure of America's children to harmful and violent entertainment. Following the recent tragedy in my state, it seems clear that our culture's fascination with violence played some role in the thoughts and motivations of the cruel perpetrators of the crimes in Littleton. This includes enacting an entertainment industry code of conduct that allows for further development and enforcement of rating systems to limit exposure to children of material that the industry itself has deemed inappropriate for children. We include a plan to investigate the marketing practices of the entertainment industry where children are concerned. This plan also includes empowering Internet service providers to offer screening and filtering software that is designed to empower parents to limit access to material unsuitable for children. Our package also includes a plan to prohibit the posting of bomb making instructions on the Internet.

Last, I am offering two amendments which liberate students and faculty to hold memorial services or to construct a memorial on school property in the aftermath of a tragedy.

I will conclude my statement today with remarks on these amendments. The final theme of our package reinforces the theme that it is time to get tough on violent juveniles and firearms used by criminals. The Republican plan makes it more difficult for a juvenile to gain access to a firearm and insures that violent juveniles—teenagers who commit violent crimes—will be held accountable for their actions. We do this by ensuring the prosecution of those who abuse existing firearms laws. This means directing the Department of Justice to make firearms prosecutions a priority—something they have not been so far. We address gun show safety and firearms background checks, juvenile firearms possession, and penalties for firearms offenses across the board. We increase the penalty for theft of a firearm and we increase the mandatory minimum sentences for those who corrupt youth by selling them or encouraging them to sell drugs.

We also address safe and secure schools. Republicans want all children to receive a quality education. This experience should be a safe one. We propose numerous options for schools to use federal funds for better teacher

training regarding violent students and school security. We provide for mandatory school discipline records disclosure for transferring students; we allow for all schools the opportunity to institute address code or school uniform policy; and we free up teachers and school administrators to adequately discipline students while at the same time giving them limited liability protection. Our bill establishes a national center to boost school security efforts and creates a national award for children with character.

In proposing this package, we do not pretend to believe our legislative actions will erase the harm already inflicted on too many Americans. Nor do we believe these laws will guard against all future threats of youth violence. But I do believe that the Congress has an opportunity today to strengthen and enhance our existing laws to empower families and communities to take action against this cultural virus seen in our youth.

Our responsibility is to apply reason and temperance to the decisions we make this week, holding close the dearly held principles of life and liberty which are expressed in our Bill of Rights. I am hopeful that the Senate will work together to accomplish this objective.

I would like to say a few words regarding my proposed amendments that will be before the Senate the first part of this next week. In the aftermath of the Littleton tragedy, I propose these amendments which will allow Congress to go on record with respect to the constitutionality of a permanent memorial or a memorial service that contains religious speech. Of course, the Allard amendments do not put Congress on record with respect to the kind of memorial that would be appropriate—that decision is for local schools and communities. The Allard amendments do, however, declare that a fitting memorial may contain religious speech without violating the Constitution.

As you approach Arlington National Cemetery, signs are posted which say:

Welcome to Arlington National Cemetery, Our Nation's Most Sacred Shrine. Please Conduct Yourselves with Dignity and Respect at All Times. Please Remember these are Hallowed Grounds.

Similarly, Congress appropriates the funds to pay for chaplains who conduct memorial services not only at Arlington Cemetery but wherever they are needed to serve our departed men and women of the Armed Forces and their families. We recognize that paying for chaplains to conduct memorial services is not an establishment of religion by the Government, but a dignified and proper Government function. The Supreme Court has noted that the chaplaincies of the various branches of the service are constitutional. Likewise, no one could seriously contend that the

signs identifying Arlington Cemetery as a sacred shrine and hallowed ground are establishments of religion.

So today I am offering an amendment which states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds. And it is fitting and proper to include religious references, songs, and readings in such a service. Memorial services help the grieving process of students and faculty, bring a school together in the face of tragedy, and meet a need deeply felt by so many to see their friend given recognition in a dignified and solemn manner. My amendment allows students and faculty of a public school to hold a memorial service that includes prayer, reading of scripture, or the performance of religious music at a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus.

As a part of my proposed amendment there is a section that allows for the construction of a memorial that includes religious symbols or reference to God on school property. In either case, if a lawsuit is brought forth, parties are required to pay their own fees and costs and the Attorney General is authorized to provide legal assistance to defenders.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual circumstance, a circumstance I hope we will not have to revisit again. The amendments specifically mention that religious songs may be sung at such memorials without violating the Constitution. The two federal appeals courts that have taken up this issue both have ruled that school choirs may sing religious music. And the Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have "The Lord Bless You and Keep You" as its signature song.

In the same way, erecting a memorial that contained religious references, such as a quote from scripture, or a religious symbol from the deceased's religious tradition, would not violate the establishment clause of the Constitution.

In any community visited by such a tragedy, a person who views such a memorial with religious symbols or references that were important to the deceased would certainly not see some sort of covert attempt to establish an official religion. Rather, they would see a fitting and proper memorial to a departed friend.

I urge my colleagues to support my modest proposal. This legislation does two things. It requires that if a school holds memorial services or puts up a memorial in response to a killing on school grounds, and the school is sued, then all parties will bear their own costs and attorneys fees. A school that

has experienced a tragedy of this kind should not have to worry about someone bringing a suit and winning thousands and thousands of dollars in attorney fee awards just because the school decides to hold a memorial service or put up a memorial. Second, this legislation permits—but does not require—the Attorney General to aid a school in defending against these suits.

This is one small thing we can do to help our schools respond in a humane, compassionate, and constitutional way to the violence that has become far too common in our schools. If the people of Colorado believe that religious speech is necessary to memorialize the heroism and tragedy at Columbine High School, then let them express themselves with the most profound and durable expressions of the human heart. Let us adopt this amendment today, hoping an occasion for its use may never happen again.

I yield the floor.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 96 regarding the Y2K liability legislation.

Mr. REID. Mr. President, I object.

Mr. LOTT. Mr. President, I regret the objection has been heard from our Democratic friends. This is an important issue all over America. The clock is running.

CLOTURE MOTION

I move to proceed to S. 96, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation.:

Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Tuesday, May 18.

I ask consent the vote occur at 9:45 a.m. on Tuesday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Will the Chair explain to the Senator what the parliamentary status is in the Senate today?